

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

May 23, 2018

Honorable Sarah Netburn
United States Magistrate Judge
United States District Court
Southern District of New York
40 Foley Square, Chambers 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (SN)*

Dear Judge Netburn,

On behalf of the Plaintiffs' Executive Committees (PECs), we write to follow up on this Court's April 27, 2018 Order concerning authorization to file amended or new complaints using a short form complaint procedure. *See* 03 MDL 1570 ECF No. 3982.

The Court's April 27, 2018 Order did not address two circumstances that the PECs intended to propose be subject to a short form complaint procedure — specifically, new plaintiffs suing the Islamic Republic of Iran (some of whom will be eligible to participate in the U.S. Victims Against Sponsors of Terrorism ("USVSS") Fund, which has a second round closing date of September 14, 2018) and new plaintiffs represented by counsel for *Ashton* adopting the *Ashton* allegations against the Kingdom of Saudi Arabia. For the same reasons that new plaintiffs joining the Consolidated Amended Complaint's claims against the Kingdom of Saudi Arabia are to file a short form complaint, short form procedures are warranted in each of these two other circumstances. *See* 03 MDL 1570 ECF 3543 (Order Approving Notices to Conform and Short Form Complaint.)

With respect to suits against the Islamic Republic of Iran ("Iran"), those plaintiffs who were not part of the previous complaints naming Iran as a defendant seek a simplified procedure to assert the same bases for liability as were previously alleged in the complaints of PEC member firms,

The Honorable Sarah Netburn

May 23, 2018

Page 2

namely the *Ashton Consolidated Complaint Against Defendant, the Islamic Republic of Iran* (03 MDL 1570, Doc. No. 3237) and the *Burnett et al. v. Islamic Republic of Iran et al.* complaint (15 Civ. 9903 Doc. No. 53). This request is especially pressing in light of the USVSST September deadline and the process involved in serving Iran and obtaining final judgments in time to participate in the USVSST Fund. The attached Exhibit A is a proposed short form complaint against Iran that would allow plaintiffs who had not previously named Iran to join the *Ashton* or *Burnett* complaints, adding the jurisdictional and legal allegations now provided by the Justice Against Sponsors of Terrorism Act, 28 U.S.C. § 1605B. All new plaintiffs would still have to follow the service requirements of the Foreign Sovereign Immunities Act as pertain to Iran. *See* 28 U.S.C. § 1608(a)(4).

Additionally, while most new plaintiffs are expected to use the short form procedure adopting the Consolidated Amended Complaint when suing the KSA, new plaintiffs represented by counsel who filed the *Ashton* complaint against the KSA seek to adopt the allegations in the *Ashton* complaint. Accordingly, the PEC asks that the Court authorize a short form procedure that would allow new plaintiffs represented by counsel for the *Ashton* plaintiffs to adopt the *Ashton* complaint, just as other plaintiffs can adopt the Consolidated Amended Complaint. The attached Exhibit B is a proposed short form complaint for *Ashton* counsel's plaintiffs to use when joining the *Ashton* complaint against the KSA.

For the foregoing reasons, the PEC asks the Court to grant this letter-motion and authorize the use of short form procedures in these two additional circumstances, by use of the proposed short form complaints against Iran, attached hereto as Exhibit A, and, for new clients of *Ashton* counsel, to adopt the *Ashton* complaint against KSA, attached hereto as Exhibit B.

Respectfully Submitted,

Plaintiffs' Executive Committees

/s/ Andrew J. Maloney, III
James P. Kreindler, Esq.
Andrew J. Maloney, III, Esq. (AM 8684)
KREINDLER & KREINDLER, LLP
750 Third Avenue, 32nd Floor
New York, NY 10017
Tel: (212) 687-8181

Enclosures

CC: All MDL 1570 Counsel via ECF